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APPLICATION NO.	F	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/992,205	09/992,205 11/06/2001		Hubert F. Metzger	054726-0115	1566	
26371	7590	06/17/2003	.*		-	
FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800				EXAMINER		
				VALENTINE, DONALD R		
MILWAUI	KEE, WI 5	3202-5308		ART UNIT	PAPER NUMBER	
		•		1742		
				DATE MAILED: 06/17/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)					
	09/992,205	METZGER, HUBERT F					
Office Action Summary	Examiner	Art Unit					
	Donald R. Valentine	1742					
The MAILING DATE of this communication app Period for Reply	ars on the cover sheet with th	e correspondence address					
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	i6(a). In no event, however, may a reply be within the statutory minimum of thirty (30) ill apply and will expire SIX (6) MONTHS for cause the application to become ABANDO	e timely filed days will be considered timely. rom the mailing date of this communication. DNED (35 U.S.C. § 133).					
1) Responsive to communication(s) filed on							
	— · s action is non-final.						
3) Since this application is in condition for allowa closed in accordance with the practice under EDisposition of Claims	nce except for formal matters						
4)⊠ Claim(s) <u>1-21</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdraw		• • • •					
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>1-21</u> is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/or	election requirement.						
Application Papers							
9)☐ The specification is objected to by the Examiner							
10)⊠ The drawing(s) filed on <u>06 November 2001</u> is/are: a)⊠ accepted or b)⊡ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner.							
If approved, corrected drawings are required in reply to this Office action.							
12)☐ The oath or declaration is objected to by the Examiner.							
Priority under 35 U.S.C. §§ 119 and 120							
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a) ☐ All b) ☐ Some * c) ☐ None of:							
1. Certified copies of the priority documents	s have been received.						
2. Certified copies of the priority documents	s have been received in Applic	cation No					
 3. Copies of the certified copies of the prior application from the International Bur * See the attached detailed Office action for a list of the company of the certified of the certified copies of the prior application for a list of the certified copies of the prior application for a list of the certified copies of the prior application for a list of the certified copies of the prior application from the list of the prior application from the prior application	eau (PCT Rule 17.2(a)).						
14)☐ Acknowledgment is made of a claim for domestic	priority under 35 U.S.C. § 11	9(e) (to a provisional application).					
a) \square The translation of the foreign language pro- 15) \square Acknowledgment is made of a claim for domestic							
Attachment(s)							
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4	5) D Notice of Inform	nary (PTO-413) Paper No(s) nal Patent Application (PTO-152)					
.S. Patent and Trademark Office							

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Polan.

Polan shows apparatus with plating tank adapted to support a cylinder in which the cylinder is partially disposed in a plating solution contained in the tank. An anode system is shown as connectable to a power source, which produces A.C. or D.C. current. (Col. 5, line 20). The anode is shown as being insoluble thus making it resilient to the plating solution. The surface of the anode material constitutes a "surface material covering at least a portion of the conductive core". An ultrasonic system to introduce wave energy is shown. See Figure 1 and col. 5, lines 5-29. See also col. 6, lines 5-15.

Statements of intended use are not given weight when considering the patentability of apparatus claims.

Claim Rejections - 35 USC § 103

- 1 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

- 2. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 - 1. Determining the scope and contents of the prior art.
 - 2. Ascertaining the differences between the prior art and the claims at issue.
 - 3. Resolving the level of ordinary skill in the pertinent art.
 - 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 3. Claims 1-8, 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polan in view of Fowler et al.
- 4. Claims 1-8, 10 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Polan as applied to claims 1 and 7 above, and further in view of Fowler et al.

Fowler et al show an anode, which has a conductive core and a surface material, which is titanium. These anodes are for electrodeposition on a cathode rotating drum (cylinder), and have various surfaces, e.g., titanium base with conductive metal oxides, etc. See col. 5, lines 5-33; col. 8, lines 8-67; and col. 9, lines 3-17.

It would be considered within the skill of the art to substitute the anode structure(s) of

Fowler et al for the anode structure of Polan because Polan teaches an insoluble anode for which
the Fowler et al reference appears to be a replacement and each reference provides
electrodeposition on a cylindrical rotating drum cathode which, in the absence of any unexpected
results, could be in the nature of applicant's rotogravure cylinder.

5. Claims 1-15 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger' 936 in view of Fowler et al.

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Metzger '936 shows apparatus with plating tank adapted to support a cylinder (rotogravure), an anode connectable to a current source, said anode including a conductive core and a surface material resistant to the plating solution and covering at least a portion of the conductive core and an ultrasonic system with transducers to introduce wave energy into the solution in the tank.

Fowler et al show an anode, which has a conductive core and a surface material, which is titanium. These anodes are for electrodeposition on a rotating drum cathode (cylinder), and have various surfaces, e.g., titanium base with various conductive metal oxides, etc. See col. 5, lines 5-33; col. 8, lines 8-67; and col. 9, lines 3-17.

It would be considered within the skill of the art to substitute the anode structure(s) of Fowler et al for the anode structure of Metzger '936 because Metzger '936 teaches an anode resilient to the plating solution and Fowler et al teach an anode similarly resilient to the plating solution and both references utilize the anode structures to provide electrodeposition of copper on a cylindrical rotating cathode of which a rotogravure cylinder is exemplary.

6. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger '936 in view of Zolotarsky et al.

Metzger '936 shows apparatus with plating tank adapted to support a cylinder (rotogravure), an anode connectable to a current source, said anode including a conductive core and a surface material resistant to the plating solution. And covering at least a portion of the conductive core and an ultrasonic system with transducers to introduce wave energy into the solution in the tank.

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Zolotarsky et al show a three-layer anode, which appears to be an improvement over the conventional anodes for electrodeposition of copper. (See col. 1, lines 4-15).

It would be considered within the skill of the art to substitute the anode structure with surfaces and layers as set forth by Zolotarsky et al for the structure of Metzger because the structures of Zolotarsky et al appear to be compatible with the system of Metzger and no unexpected results would be apparent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald R. Valentine whose telephone number is 703-308-3327. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 703-308-1146. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Donald R. Valentine Primary Examiner Art Unit 1742

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June 12, 2003